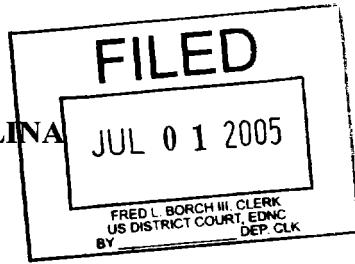


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO. 5:05-CV-48-FL(1)



RICHARD P. NORDAN, as Ancillary)
Administrator for the separate Estates of)
STEPHEN S. HELVENSTON, et al.,)
Plaintiff,)
v.)
BLACKWATER SECURITY)
CONSULTING, LLC, et al.,)
Defendants.)

**REPLY TO PLAINTIFF'S OBJECTION
TO DEFENDANTS' CLARIFICATION
OF REMOVAL NOTICE AND
OBJECTION TO PLAINTIFF'S
ARGUMENT ON SUBSEQUENT
AUTHORITY**

On June 20, 2005, Defendants, Blackwater Security Consulting, LLC and Blackwater Lodge and Training Center, Inc. ("Blackwater"), filed a Clarification of Removal Notice ("Clarification") to clarify Paragraph 5 of its Notice of Removal. The Clarification does not change the basis of removal or the operative facts of this case. Blackwater respectfully requests the Court to accept its Clarification notice, which merely clarifies the structure of the contracts with the United States government.

Additionally, Blackwater objects to Plaintiff's argument regarding Blackwater's Notice of Subsequently Decided Authority. On June 28, 2005, Plaintiff filed a Response to Defendant's Notice of Subsequently Decided Authority and Objection to Defendants' Clarification of Notice of Removal, which contained nearly three pages of argument regarding the subsequently decided authority provided by Blackwater. Local Rule 7.1(g) expressly allows parties to notify the Court of subsequently decided authority *and* prevents parties from including any argument regarding the significance of the authority: "A *suggestion* of subsequently decided controlling authority, *without argument*, may be filed at any time prior to the court's ruling and shall contain only the

citation to the case relied upon if published or a copy of the opinion if the case is unpublished." (emphasis added). Blackwater complied with the letter and spirit of this Rule, which presumes that this Court can and will determine the relevance of the authority provided. In making substantive arguments regarding the subsequently decided authority, Plaintiff violated Rule 7.1(g). Consequently, the Court should disregard Plaintiff's arguments, which are, in any event, without merit.

Respectfully submitted this the 1st day of July, 2005.

WILEY REIN & FIELDING, LLP

By: Fred F. Fielding by KGW

Fred F. Fielding
D.C. Bar No. 099296
Margaret A. Ryan
CO Bar No. 034687
1776 K Street NW
Washington, DC 20006
Telephone: (202) 719-7000
Facsimile: (202) 719-7049

SMITH, ANDERSON, BLOUNT, DORSETT,
MITCHELL & JERNIGAN, L.L.P.

By: T. Warner

Kirk G. Warner
N.C. State Bar No. 16238
Mark A. Ash
N.C. State Bar No. 13967
Post Office Box 2611
Raleigh, North Carolina 27602
Telephone: (919) 821-1220
Facsimile: (919) 821-6800

*Attorneys for Defendants Blackwater Security
Consulting, LLC, and Blackwater Lodge and
Training Center, Inc.*

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the foregoing in the above-entitled action upon all other parties to this cause by U.S. Mail, addressed to the following parties:

David F. Kirby
William B. Bystrynski
Kirby & Holt, LLP
3201 Glenwood Avenue
Suite 100
Raleigh, North Carolina 276212

Daniel J. Callahan
Brian J. McCormack
Marc P. Miles
Callahan & Blaine, APLC
3 Hutton Centre Drive, Suite 900
Santa Ana, California 92707
Attorneys for Plaintiff

Patricia L. Holland
Rachel Esposito
Cranfill, Sumner & Hartzog, LLP
P.O. Box 27808
Raleigh, NC 27611-7808

Ralph J. Caccia
William C. Crenshaw
Don R. Berthiaume
Powell & Goldstein, LLP
901 New York Avenue, NW
Third Floor
Washington, DC 20001-4413
Attorneys for Defendant Justin McQuown

This the 1st day of July, 2005.



Kirk G. Warner